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LEGISLATIVE HISTORY

Public Law 540—79th Congress

Chapter 612—2d Session

H. R. 5831

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DIGEST OF PUBLIC LAW 540

CIVIL-SERVICE RETIREMENT. Includes department and agency heads within the purview of the Civil Service Retirement Act.

INDEX AND SUMMARY OF HISTORY ON H. R. 5831

March 20, 1946	H. R. 5831 introduced by Rep. Miller and was referred to the House Committee on the Civil Service. Print of the bill as introduced.
June 28, 1946	House Committee reported H. R. 5831 without amendment. House Report 2429. Print of the bill as reported.
July 3, 1946	Debated in the House and passed as reported.
July 5, 1946	H. R. 5831 referred to the Senate Committee on Civil Service. Print of the bill as referred.
July 10, 1946	Senate Committee reported H. R. 5831 without amendment. Senate Report 1679. Print of the bill as reported.
July 17, 1946	Debated in the Senate and passed as reported.
July 24, 1946	Approved. Public Law 540.

H. R. 5831

IN THE HOUSE OF REPRESENTATIVES

MARCH 20, 1946

Mr. MILLER of California introduced the following bill; which was referred to the Committee on the Civil Service

A BILL

To include the heads of executive departments and independent agencies within the purview of the Civil Service Retirement Act of May 29, 1930.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 3 (a) of the Civil Service Retirement Act of
4 May 29, 1930, as amended, is amended by striking out the
5 words "and heads of executive departments".

6 SEC. 2. This Act shall be effective, with respect to any
7 head of a department, at the beginning of his first pay period
8 commencing in the second month following the month in
9 which this Act is enacted. As used in this section the term
10 "department" means any department, independent establish-
11 ment, or agency (including corporations) in the executive
12 branch of the Government.

A BILL

To include the heads of executive departments and independent agencies within the purview of the Civil Service Retirement Act of May 29, 1930.

By Mr. MILLER of California

MARCH 20, 1946

Referred to the Committee on the Civil Service

Claims (S. Docs. 217, 218), and judgments rendered by district courts (S. Docs. 219, 220). To Appropriations Committee. (pp. 7900-1.)

HOUSE - June 28

13. THIRD DEFICIENCY APPROPRIATION BILL. Passed with amendments this bill, H. R. 6885 (pp. 8028-42).

Agreed, 228-119, to an amendment by Rep. Dirksen, Ill., to prohibit UNRRA assistance where American newsmen cannot enter (pp. 8029-32, 8040-1).

Rejected the following amendments: By Rep. Wigglesworth, Mass., to reduce the War Assets Administration item by \$100,000,000, by a 152-155 vote (pp. 8032-4); and by Rep. Taber, N. Y., to reduce the OPA item by \$25,000,000, by a 51-68 vote (pp. 8034-5).

In addition to the provisions mentioned in Digests 124 and 125, this bill contains a provision making the prohibition against strikes against the Government applicable to all Government employees.

14. REORGANIZATION. Agreed to H. Con. Res. 151, 154, and 155, rejecting the President's three reorganization plans (pp. 8003-28). In order for these plans to be finally rejected, the Senate will have to disapprove them also.

15. STATE, JUSTICE, COMMERCE, JUDICIARY APPROPRIATION BILL. Received the conference report on this bill, H. R. 6056 (pp. 8042-5).

16. PERSONNEL. The Civil Service Committee reported without amendment H. R. 6903, to provide benefits for certain U. S. employees who are veterans of World War III and lost opportunity for probational appointments by reason of their service in the U. S. armed forces (H. Rept. 2433)(p. 8048).

This Committee reported without amendment H. R. 5831, to include department and agency heads under the Civil Service Retirement Act (H. Rept. 2429) (p. 8048).

This Committee reported without amendment H. R. 6673, to amend the Civil Service Retirement Act so as to modify the provision prohibiting an employee from receiving benefits under this Act and the Employees' Compensation Act concurrently (H. Rept. 2430)(p. 8048).

Agreed to the conference report on H. R. 5244, to authorize the appointment of additional foreign-service officers in the classified grades (pp. 8046-7). This bill will now be sent to the President.

17. BANKING AND CURRENCY. The Rules Committee reported a resolution for consideration S. J. Res. 138, to implement further the purposes of the Bretton Woods Agreements Act by authorizing the Secretary of the Treasury to carry out an agreement with the United Kingdom (p. 8004).

BILLS INTRODUCED - June 28

18. PERSONNEL. S. 2393, by Sen. Downey, Calif., to provide benefits for certain U. S. employees who are veterans of World War II and lost opportunity for probational appointment in the civil service by reason of their service in the U. S. armed forces. To Civil Service Committee. (p. 7902.)

19. SOCIAL SECURITY. H. R. 6911, by Rep. Doughton, N. C., to amend the Social Security Act and the Internal Revenue Code. (p. 8049.)

20. BUILDINGS AND GROUNDS. H. R. 6917, by Rep. Lanham, Tex., to provide for site acquisition and design of Federal buildings. To Public Buildings and Grounds Committee. (p. 8049.)

21. FLAG. H. R. 6919, by Rep. Daughton, Va., relating to the display, along with

the U. S. flag, of flags, banners, and pennants of certain organizations. To Judiciary Committee. (p. 8049.)

22. HEALTH. H. R. 6922, by Rep. Pfeifer, N. Y., to establish a Department of Health To Expenditures in the Executive Departments Committee. (p. 8049.)
23. SELECTIVE SERVICE. H. R. 6938, by Rep. Flood, Pa., to exempt World War II veterans from liability for further service in the U. S. armed forces. To Military Affairs Committee. (p. 8049.)
24. CROP INSURANCE. H. R. 6924, by Rep. Lemke, N. Dak., to amend the Federal Crop Insurance Act so as to provide insurance for certain crops planted for harvest in 1947. To Agriculture Committee. (p. 8049.)
- H. R. 6925, by Rep. Lemke, to amend this Act so as to provide for the U.S. to pay 25% of insurance premiums. To Agriculture Committee. (p. 8049.)

ITEMS IN APPENDIX - June 28

25. PRICE CONTROL. Rep. Judd, Minn., inserted a Washington Star article, "Labor Union Strategy Virtually Killed OPA..." (p. A3992).
- Extension of remarks of Rep. McGlinchey, Pa., defending price control (p. A3998).
- Extension of remarks of Rep. Price, Ill., defending price control (pp. A3999-90).
26. ALMOND IMPORTATION. Extension of remarks of Rep. Johnson, Calif., opposing importation of almonds (p. A4000).
27. RACKETEERING; MARKETING. Rep. Weichel, Ohio, inserted a Sentinel-Tribune, Bowling Green editorial commending the Hobbs bill with the caption, "Farmers can haul their products" (pp. A4001-2).
28. FOREIGN RELIEF. Rep. Douglas, Calif., inserted a Washington Post editorial opposing the Dirksen amendment to the UNRRA appropriation item, prohibiting use of this money in countries which do not permit entrance of correspondents (p. A4002).
29. FARM SITUATION. Rep. Thom, Ohio, inserted a Christian Science Monitor article pointing out that farmers' income "has reached an all-time high, his mortgage debt is lowest in 30 years", but stating that there is danger in rising land prices (pp. A4002-3).

HOUSE - June 29

30. PRICE CONTROL. Received the President's message vetoing the bill, H. R. 6042, to amend and extend the Price Control and Stabilization Acts (pp. 8092-4).
- By a 173-142 vote, sustained the veto (173 voted to override it, but this was not a two-thirds majority) (pp. 8094-116).
- Chairman Spence of the Banking and Currency Committee then presented a measure to continue the present law until July 20, but objection was made to immediate consideration of the measure, (pp. 8116-7).
- The Rules Committee reported a resolution providing for consideration of H. J. Res. 371, the Spence measure to continue the price-control laws until July 20 (p. 8126). Majority Leader McCormack announced that this measure will be brought up Mon. (p. 8127).
- Received a memorandum from the White House making a correction in the veto message on the price-control bill (p. 8131).

The conference report was agreed to. House Resolution 675 was laid on the table.

A motion to reconsider was laid on the table.

DEBTOR RAILROAD CORPORATIONS

Mr. SMITH of Virginia, from the Committee on Rules, reported the following privileged resolution (H. Res. 687, Rept. No. 2405), which was referred to the House Calendar and ordered to be printed:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 5924) to enable debtor railroad corporations, whose properties during a period of 7 years have provided sufficient earnings to pay fixed charges, to effect a readjustment of their financial structure without further proceedings under section 77 of the Bankruptcy Act, as amended. That after general debate, which shall be confined to the bill and shall continue not to exceed 2 hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments there-to to final passage without intervening motion except one motion to recommit. After the passage of the bill H. R. 5924, it shall be in order in the House to take from the Speaker's Table the bill S. 1253 and to move to strike out all after the enacting clause of said Senate bill and to insert in lieu thereof the provisions contained in H. R. 5924.

SPECIAL ORDER GRANTED

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the special order granted the gentleman from California [Mr. OUTLAND] for today be vacated and that he be given a special order to address the House on Tuesday next for the same length of time.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

EXTENSION OF REMARKS

Mr. ANGELL (at the request of Mr. MARTIN of Massachusetts) was given permission to extend his remarks in the RECORD.

Mr. DIRKSEN (at the request of Mr. MARTIN of Massachusetts) was given permission to extend his remarks in the RECORD and include certain excerpts from newspapers.

PERMISSION TO ADDRESS THE HOUSE

Mrs. BOLTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

WAR PARENTS ORGANIZATION

Mrs. BOLTON. Mr. Speaker, I want to call the attention of those Members of the House who are members of the Congressional War Parents Organization, that on Wednesday last, June 26, there was placed in the Senate proceed-

ings of the RECORD by Senator BRIDGES a list of parents and service-connected children with the request that any omissions or correction of the list be sent either to me or to him so that the final report on this may be accurate. We are desirous also of having the names and records of all Members who were in the service themselves.

EXTENSION OF REMARKS

Mr. RABAUT asked and was given permission to extend his remarks in the RECORD and include the introduction by Mr. J. Edgar Hoover, Director of the FBI, of his Eminence, Francis Cardinal Spellman, at the occasion of the graduation exercises of the FBI National Academy in the Interdepartmental Auditorium in Washington, this morning.

Mr. WHITE asked and was given permission to extend his remarks in the RECORD and include a communication.

Mr. FLOOD asked and was given permission to extend his remarks in the RECORD and include a resolution.

Mr. PRICE of Illinois (at the request of Mr. FLOOD) was given permission to extend his remarks in the RECORD and include an editorial.

Mr. HARLESS of Arizona asked and was given permission to extend his remarks in the RECORD and include a poem by James Patrick McGovern.

Mr. HAYS. Mr. Speaker, in connection with a previous request to extend my remarks I asked and received unanimous consent to insert a statement in connection with the OPA conference report. This was submitted to the Printing Office, but it was not included. I ask unanimous consent that the permanent RECORD may be corrected and that the extension may appear in the body of the debate on that subject.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. THOM asked and was given permission to extend his remarks in the RECORD and include an article from the Christian Science Monitor on Farm Production.

Mr. JOHNSON of California asked and was given permission to extend his remarks in the RECORD in two instances; to include in one a speech by Mr. Raymond W. Miller, and in the other two letters written by him to the State Department.

Mr. SMITH of Ohio asked and was given permission to extend his remarks in the RECORD and include a reply by Dr. Walter E. Spahr, of New York University.

Mr. REED of New York asked and was given permission to extend his remarks in the RECORD and include parts of letters.

Mr. WEICHEL asked and was given permission to extend his remarks in the RECORD in two instances and include newspaper items.

CORRECTION OF THE RECORD

Mr. JENNINGS. Mr. Speaker, I ask unanimous consent to correct my remarks appearing on page 7467 of the RECORD of Friday, June 21, last, by inserting in column 1 on said page after the thirty-

ninth line, and after the sentence, "Most of them are back home and thousands of them desire to work on this project." the following: "These men live in their own homes and reside within easy access of the dam sites. No appreciable quantity of critical materials will be required in the construction of these dams during the first 2 years of work on them." And substitute the word "Holston" for the word "Watauga" in line 12 in the second column on page 7476 so that the clause shall read "where the junction of the Holston and the French Broad form the Tennessee."

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

PROCEEDINGS AGAINST CORLISS G. LAMONT

The SPEAKER. The Chair desires to announce that pursuant to House Resolution 678, Seventy-ninth Congress, he did, today, June 28, 1946, certify to the United States attorney, District of Columbia, the willful and deliberate refusal of Corliss G. Lamont to produce before the Committee on Un-American Activities for its inspection certain books, papers, and records which had been duly subpoenaed.

ENROLLED BILLS SIGNED

Mr. ROGERS of New York, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 6042. An act to amend the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, and for other purposes.

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2341. An act to amend the National Housing Act, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. ROGERS of New York, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 2543. An act to require weekly newspapers enjoying mailing privileges to make sworn statements with respect to their circulation.

H. R. 6064. An act to amend the Selective Training and Service Act of 1940, as amended, and for other purposes; and

H. R. 6084. An act to amend the Pay Readjustment Act of 1942, as amended, so as to provide an increase in pay for personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service.

ADJOURNMENT

Mr. LANE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 24 minutes p. m.) the House, under its previous order, adjourned until tomorrow, Saturday, June 29, 1946, at 10 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

1429. Under clause 2 of rule XXIV, a letter from the Acting Secretary of the

Interior, transmitting, pursuant to section 16 of the Organic Act of the Virgin Islands of the United States, approved June 22, 1936, one copy each of various legislation passed by the Municipal Council of St. Thomas and St. John and the Legislative Assembly of the Virgin Islands, was taken from the Speaker's table and referred to the Committee on Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SABATH: Committee on Rules. House Resolution 685. Resolution providing for the consideration of Senate Joint Resolution 138, a joint resolution to implement further the purposes of the Bretton Woods Agreements Act by authorizing the Secretary of the Treasury to carry out an agreement with the United Kingdom, and for other purposes; without amendment (Rept. No. 2399). Referred to the House Calendar.

Mr. SABATH: Committee on Rules. House Resolution 686. Resolution providing for the consideration of H. R. 5234, a bill to authorize the Federal Security Administrator to assist the States in matters relating to social protection, and for other purposes; without amendment (Rept. No. 2400). Referred to the House Calendar.

Mr. McMILLAN of South Carolina: Committee on the District of Columbia. H. R. 6859. A bill to amend section 121 of the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended, to authorize the appointment of three additional deputies for the register of wills; with amendment (Rept. No. 2404). Referred to the Committee of the Whole House on the State of the Union.

Mr. SABATH: Committee on Rules. House Resolution 687. Resolution providing for the consideration of H. R. 5924, a bill to enable debtor railroad corporations, whose properties during a period of 7 years have provided sufficient earnings to pay fixed charges, to effect a readjustment of their financial structure without further proceedings under section 77 of the Bankruptcy Act, as amended; without amendment (Rept. No. 2405). Referred to the House Calendar.

Mr. RANKIN: Committee on World War Veterans' Legislation. S. 294. An act to authorize the Administrator of Veterans' Affairs to furnish upon a reimbursement basis certain benefits, services, and supplies to discharged members of the military or naval forces of any nation allied or associated with the United States in World War II in consideration of reciprocal services extended to the United States; with amendments (Rept. No. 2423). Referred to the Committee of the Whole House on the State of the Union.

Mr. RANDOLPH: Committee on the Civil Service. S. 1489. An act to authorize payment for accumulated and accrued annual leave to female dietitians and physical-therapy aides whose civilian appointments were terminated pursuant to section 4 of the act of December 22, 1942 (56 Stat. 1073); without amendment (Rept. No. 2424). Referred to the Committee of the Whole House on the State of the Union.

Mr. RANKIN: Committee on World War Veterans' Legislation. S. 1578. An act to clarify the terms "compensation" and "pension" under laws administered by the Veterans' Administration; without amendment (Rept. No. 2425). Referred to the Committee of the Whole House on the State of the Union.

Mr. RANKIN: Committee on World War Veterans' Legislation. S. 2099. An act to

authorize the Administrator of Veterans' Affairs to accept gifts, devises, and bequests in behalf of the general post fund for the use of veterans and for the sale and conveyance of any such property under certain circumstances and the covering of the proceeds thereof into the post fund, and for other purposes; without amendment (Rept. No. 2426). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS: Committee on Naval Affairs. S. 2291. An act to authorize the Secretary of the Navy to transfer a vessel to the American Antarctic Association, Inc.; without amendment (Rept. No. 2427). Referred to the Committee of the Whole House on the State of the Union.

Mr. RANKIN: Committee on World War Veterans' Legislation. H. R. 5148. A bill to provide for the payment of pension or other benefits withheld from persons for the period they were residing in countries occupied by the enemy forces during World War II; with amendments (Rept. No. 2428). Referred to the Committee of the Whole House on the State of the Union.

Mr. RANDOLPH: Committee on the Civil Service. H. R. 5831. A bill to include the heads of executive departments and independent agencies within the purview of the Civil Service Retirement Act of May 29, 1930; without amendment (Rept. No. 2429). Referred to the Committee of the Whole House on the State of the Union.

Mr. RANDOLPH: Committee on the Civil Service. H. R. 6673. A bill to amend section 6 of the Civil Service Retirement Act of May 29, 1930, as amended; without amendment (Rept. No. 2430). Referred to the Committee of the Whole House on the State of the Union.

Mr. LANHAM: Committee on Public Buildings and Grounds. H. R. 6810. A bill to amend the act entitled "An act to expedite the provisions of housing in connection with national defense, and for other purposes," approved October 14, 1940, as amended; with amendment (Rept. No. 2431). Referred to the Committee of the Whole House on the State of the Union.

Mr. RANKIN: Committee on World War Veterans' Legislation. H. R. 6836. A bill to establish and provide for the maintenance and operation of a Veterans' Canteen Service in the Veterans' Administration, and for other purposes; without amendment (Rept. No. 2432). Referred to the Committee of the Whole House on the State of the Union.

Mr. RANDOLPH: Committee on the Civil Service. H. R. 6903. A bill to provide benefits for certain employees of the United States who are veterans of World War II and lost opportunity for probational civil-service appointments by reason of their service in the armed forces of the United States; without amendment (Rept. No. 2433). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KLEIN: Committee on Immigration and Naturalization. H. R. 1063. A bill for the relief of Marie Valida Antonia Michaud; without amendment (Rept. No. 2401). Referred to the Committee of the Whole House.

Mr. MASON: Committee on Immigration and Naturalization. H. R. 5620. A bill for the relief of Roger Edgar Lapierre; without amendment (Rept. No. 2402). Referred to the Committee of the Whole House.

Mr. LESINSKI: Committee on Immigration and Naturalization. H. R. 5704. A bill for the relief of Mrs. Charles C. Lee; with amendment (Rept. No. 2403). Referred to the Committee of the Whole House.

Mr. RAMEY: Committee on Claims. H. R. 1070. A bill for the relief of Elmer C. Hadlen; with amendments (Rept. No. 2406). Referred to the Committee of the Whole House.

Mr. CASE of New Jersey: Committee on Claims. H. R. 3099. A bill for the relief of Coy C. Brown; with amendments (Rept. No. 2407). Referred to the Committee of the Whole House.

Mr. PITTINGER: Committee on Claims. H. R. 3197. A bill for the relief of William F. Patchell, Jr.; with amendments (Rept. No. 2408). Referred to the Committee of the Whole House.

Mr. CHENOWETH: Committee on Claims. H. R. 1088. A bill for the relief of the Eastern Contracting Co., Inc.; with amendments (Rept. No. 2409). Referred to the Committee of the Whole House.

Mr. FERNANDEZ: Committee on Claims. H. R. 2161. A bill to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claims of Algernon Blair, his heirs or personal representatives, against the United States; without amendment (Rept. No. 2410). Referred to the Committee of the Whole House.

Mr. CASE of New Jersey: Committee on Claims. H. R. 3833. A bill for the relief of Viola McKinney; with amendments (Rept. No. 2411). Referred to the Committee of the Whole House.

Mr. RAMEY: Committee on Claims. H. R. 4341. A bill for the relief of James B. McGoldrick; without amendment (Rept. No. 2412). Referred to the Committee of the Whole House.

Mr. RAMEY: Committee on Claims. H. R. 4375. A bill for the relief of Charles Martin; with amendments (Rept. No. 2413). Referred to the Committee of the Whole House.

Mr. RAMEY: Committee on Claims. H. R. 4686. A bill for the relief of the estate of Harry Wright; with amendments (Rept. No. 2414). Referred to the Committee of the Whole House.

Mr. CASE of New Jersey: Committee on Claims. H. R. 4947. A bill for the relief of Ethel Guenther; with amendments (Rept. No. 2415). Referred to the Committee of the Whole House.

Mr. RAMEY: Committee on Claims. H. R. 5198. A bill for the relief of Marjorie B. Marable; with amendments (Rept. No. 2416). Referred to the Committee of the Whole House.

Mr. PITTINGER: Committee on Claims. H. R. 5261. A bill for the relief of David Weiss; with amendments (Rept. No. 2417). Referred to the Committee of the Whole House.

Mr. PITTINGER: Committee on Claims. H. R. 5372. A bill for the relief of Jessie Wolfington; with amendments (Rept. No. 2418). Referred to the Committee of the Whole House.

Mr. CASE of New Jersey: Committee on Claims. H. R. 5414. A bill for the relief of Marie Gorak; with amendments (Rept. No. 2419). Referred to the Committee of the Whole House.

Mr. CASE of New Jersey: Committee on Claims. H. R. 5725. A bill for the relief of Sadie Frey and the estate of Marie Hviding; with amendments (Rept. No. 2420). Referred to the Committee of the Whole House.

Mr. CASE of New Jersey: Committee on Claims. H. R. 6248. A bill for the relief of Capital Office Equipment Co.; with amendments (Rept. No. 2421). Referred to the Committee of the Whole House.

Mr. CASE of New Jersey: Committee on Claims. H. R. 6307. A bill for the relief of Francesco D'Emilio; without amendment (Rept. No. 2422). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

INCLUDING HEADS OF EXECUTIVE DEPARTMENTS AND
INDEPENDENT AGENCIES WITHIN THE PURVIEW OF
THE CIVIL SERVICE RETIREMENT ACT OF MAY 29, 1930

JUNE 28, 1946.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. RANDOLPH, from the Committee on the Civil Service, submitted
the following

REPORT

[To accompany H. R. 5831]

The Committee on the Civil Service, to whom was referred the bill (H. R. 5831) to include the heads of executive departments and independent agencies within the purview of the Civil Service Retirement Act of May 29, 1930, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The purpose of the bill is to include the heads of executive departments and independent agencies within the purview of the Civil Service Retirement Act of May 29, 1930.

In compliance with paragraph 2a of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (existing law proposed to be omitted is enclosed in black brackets; new matter is printed in italics):

EMPLOYEES TO WHOM THE ACT SHALL APPLY

* * * * *

SEC. 3. (a) This Act shall apply to all officers and employees in or under the executive, judicial, and legislative branches of the United States Government, and to all officers and employees of the municipal government of the District of Columbia, except elective officers [and heads of executive departments]: *Provided*, That this Act shall not apply to any such officer or employee of the United States or of the municipal government of the District of Columbia subject to another retirement system for such officers and employees of such governments: *Provided further*, That this Act shall not apply to any officer or employee in the legislative branch of the Government within the classes of officers and employees which were made eligible for the benefits of this Act by the Act of July 13, 1937, until he gives notice in writing to the disbursing officer by whom his salary is paid, of his desire to come within the purview of this Act; and any officer or employee within such classes may, within sixty days after January 24, 1942, withdraw from the purview of this Act by giving similar notice of such desire. In the case of any officer

or employee in the service of the legislative branch of the Government on January 24, 1942, such notice of desire to come within the purview of this Act must be given within the calendar year 1942. In the case of any officer or employee of the legislative branch of the Government who enters the service after January 24, 1942, such notice of desire to come within the purview of this Act must be given within six months after the date of entrance to the service. * * *

A letter from the Civil Service Commission is made a part of this report.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington 25, D. C., May 8, 1946.

HON. JENNINGS RANDOLPH,
Chairman, Committee on the Civil Service,
House of Representatives.

DEAR MR. RANDOLPH: Further reference is made to your communication of March 21, 1946, transmitting copy of H. R. 5831, a bill to include the heads of executive departments and independent agencies within the purview of the Civil Service Retirement Act of May 29, 1930, and requesting the Commission's comments thereon.

During the consideration by Congress of the amendment to the civil-service retirement system, which became the act of January 24, 1942, the Commission, upon request of the Civil Service Committee, submitted a report in which it recommended approval of the bill. When the bill was approved, it contained provisions extending retirement coverage to heads of departments, independent establishments, and agencies (including corporations) in the executive branch of the Federal Government. The act of March 7, 1942, withdrew this particular coverage.

There are at present about 2,000,000 positions in the executive branch of the Federal Government covered by the civil-service retirement system. There are approximately 90 positions in the executive service excluded by the language in the retirement law which H. R. 5831 proposes to eliminate. However, some of the persons holding these positions are now under the retirement system because they were promoted to their present positions, without break in service, from positions which are under the retirement system.

The largest number (16) in any one agency which is denied the benefit of old-age annuities is in The Tax Court of the United States. These persons are not protected by the judicial or civil-service retirement systems. There seems no reason why they should be discriminated against.

There are 11 members of the Interstate Commerce Commission who are at present excluded; 7 in the Communications Commission, 6 in the Tariff Commission. In other agencies there are 4 with 5 members each, 4 with 3 members each, and about 17 with 1 in each.

As a result of the language in the present law, there are many men in all agencies who have retirement rights who were appointed in the same way, who are doing the same sort of work and carrying the same responsibilities as those who are denied any sort of old-age security. H. R. 5831 seeks to correct the inequality.

The Commission estimates that should this bill be enacted, there would be added to the Government's cost a deficiency liability of approximately \$279,000 and an annual cost of about \$22,000.

It is recommended that favorable action be taken on this bill.

The Bureau of the Budget advises that there would be no objection to the presentation of this report to your committee.

By direction of the Commission:

Very sincerely yours,

HARRY B. MITCHELL, *President.*



Union Calendar No. 734

79TH CONGRESS
2D SESSION

H. R. 5831

[Report No. 2429]

IN THE HOUSE OF REPRESENTATIVES

MARCH 20, 1946

Mr. MILLER of California introduced the following bill; which was referred to the Committee on the Civil Service

JUNE 28, 1946

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To include the heads of executive departments and independent agencies within the purview of the Civil Service Retirement Act of May 29, 1930.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 3 (a) of the Civil Service Retirement Act of
4 May 29, 1930, as amended, is amended by striking out the
5 words "and heads of executive departments".

6 SEC. 2. This Act shall be effective, with respect to any
7 head of a department, at the beginning of his first pay period
8 commencing in the second month following the month in
9 which this Act is enacted. As used in this section the term

- 1 “department” means any department, independent establish-
2 ment, or agency (including corporations) in the executive
3 branch of the Government.

Union Calendar No. 734

79TH CONGRESS
2^D SESSION

H. R. 5831

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By Mr. MILLER of California

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DIGEST OF
CONGRESSIONAL PROCEEDINGS
OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
Legislative Reports and Service Section
(For Department staff only)

Issued July 8, 1946
For actions of July 3, 4 & 5, 1946
79th-2nd, Nos. 130, 131, and 132

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HIGHLIGHTS: Senate passed National Science Foundation bill. Senate committee reported bill to authorize Federal Security Agency to assist States in community recreation program. Senate received nomination of Littlejohn to be War Assets Administrator. House sent Cooley farm-credit bill to conference. Rep. Murray said Agriculture, not Appropriations, Committee should handle fertilizer legislation, and blamed South for fertilizer shortage in Midwest. House passed bill to include department heads under Civil Service Retirement Act. Senate committee reported price-control bill and Senate debated this bill. Senate passed omnibus flood-control bill. Senate passed vocational-education bill. Rep. Murray criticized continuation of slaughter control and sugar rationing.

SENATE - July 3

1. **RESEARCH.** Passed with amendments S. 1850, to create a National Science Foundation to promote the progress of science and the useful arts, to secure the national defense, and to advance the national health and welfare; by a 48-18 vote (pp. 8323-34, 8336-60). Agreed to amendments by Sen. Hart, Conn., to eliminate provisions for research on social sciences (pp. 8348-50).
2. **PRICE CONTROL.** H. J. Res. 371, to continue price control until July 20, and S. J. Res. 172, for the same purpose, were referred to the Banking and Currency Committee (p. 8320). Sen. O'Daniel, Tex., moved that H. J. Res. 371 be referred to the Pensions Committee instead, but this motion was ruled out of order (p. 8320).
Sen. Wherry, Nebr., read and commented upon reports he has received from the American Meat Institute, National Cooperative Milk Producers Federation, Cook Packing Co., and Nebraska Stockgrowers Association regarding price movements since July 1 (pp. 8321-3).
Sen. Pepper read and discussed information regarding price increases since July 1 (pp. 8362-3).
3. **RECREATION.** The Education and Labor Committee reported without amendment S. 2070, to authorize the Federal Security Agency to assist the States in development of community recreation programs (S. Rept. 1648)(p. 8320).

4. CREDIT UNIONS. The Banking and Currency Committee reported with amendment H. R. 6372, to amend the Federal Credit Union Act in several particulars (S. Rept. 1647)(p. 8320).
5. UNESCO. The Foreign Relations Committee reported with amendments H. J. Res. 305, to provide for U. S. membership in the United Nations Educational, Scientific, and Cultural Organization (S. Rept. 1649)(p. 8320).
6. D. C. APPROPRIATION BILL. Concurred in a House amendment to a Senate amendment to this bill, H. R. 5990 (p. 8325). This bill will now be sent to the President.
7. WAR DEPARTMENT MILITARY APPROPRIATION BILL. Agreed to the conference report on this bill, H. R. 6837, and Senate conferees were appointed for a further conference (p. 8326).
8. RIVERS AND HARBORS omnibus bill, H. R. 6407, was made the unfinished business (p. 8360).
9. NOMINATION; SURPLUS PROPERTY. Robert McGowan Littlejohn was nominated as War Assets Administrator (p. 8368).
10. ADJOURNED until Fri., July 5 (p. 8368).

HOUSE - July 3

11. FARM CREDIT. The final version of H. R. 6477 (see Digest 129, which was in error), extends authority for Land Bank Commissioner loans until July 1, 1947, authorizes FFMC to repay to the Treasury such portions of its capital as are not needed, and directs FCA to study and report to Congress on ways and means of making loans through the land bank system similar to those now made by the Land Bank Commissioner and to submit its report by Mar. 1, 1947.
Reps. Flannagan, Zimmerman, Cooley, Pace, Hope, Kinzer, and Andresen were appointed House conferees on the Cooley farm-credit bill, H. R. 5991 (p. 8377). Senate conferees were appointed July 1.
12. PRICE CONTROL. Rep. Dirksen, Ill., commended the "restraint" of businessmen during the absence of price control (p. 8378).
Rep. Dondero, Mich., took the same position, saying businessmen's actions "ought to be an answer to the hysteria" (pp. 8378-9).
Rep. Jenkins, Ohio, discussed the price situation, stating that increases because of elimination of subsidies are not inflationary (pp. 8420-2).
13. PERSONNEL. Passed without amendment H. R. 6903, to provide benefits for certain U. S. employees who are veterans of World War II and lost opportunity for promotional civil-service appointments because of service in the armed forces (pp. 8372-3).
Passed without amendment H. R. 5831, to include department heads under the Civil Service Retirement Act (pp. 8373-4).
Passed without amendment H. R. 6673, to modify the provision against concurrent receipts of retirement and Employees' Compensation Act benefits (p. 8374).
14. FERTILIZER; RESEARCH. Rep. Murray, Wis., spoke in favor of H. R. 6932, the Flannagan-Hope bill; criticized consideration of fertilizer legislation by the Appropriations, rather than the Agriculture Committee; and blamed the South for the fertilizer shortage in the midwest (pp. 8379).
15. STRATEGIC MATERIALS. Received the conference report on S. 752, to provide for

The President has issued Executive orders—No. 9538, April 13, 1945, now superseded by No. 9733, June 4, 1946—under which a World War II veteran who was on a civil service eligible list between certain dates, and who lost a chance for appointment because he was then in the military service, can be certified by the Civil Service Commission for a probational appointment.

Many of these veterans have been and will be in this way appointed to positions covered by pay schedules calling for periodic increases based on length of service and satisfactory work. But under existing law, since they did not leave regular civilian positions to enter the armed forces, there is no way of crediting their military service toward these periodic pay increases. H. R. 6903 makes this possible.

The equity of this can be illustrated as follows: The position which the veteran would have secured had he not been in the military service was filled by another eligible lower down on the list. The lower eligible has been receiving periodic pay increases by virtue of his civilian service. The veteran, upon his return, upon taking advantage of the opportunity to recapture the appointment he previously lost, should have his salary computed as if he had been appointed at the same time the lower eligible was. H. R. 6903 accomplishes this result and puts both on the same basis so far as periodic pay increases are concerned.

H. R. 6903 covers another situation, peculiar to the postal service. The opportunity for appointment, lost by a veteran subject to this bill, may be to a substitute position. When this opportunity is restored he is also appointed to a substitute position. Vacancies in regular positions are filled by the senior substitute, that is, the one earliest appointed. Consequently, unless some corrective legislation is enacted, the veteran goes to the bottom of the substitute list and is considered last for regular appointment. H. R. 6903 corrects this situation by allowing him to count his military service toward seniority on the substitute list. In other words, the returned veteran takes the same place on the substitute list that he would have secured had he been able to accept appointment originally. He does not lose seniority by virtue of his military service, in view of the fact that he lost an earlier chance for a substitute appointment because of service in the armed forces.

In order to safeguard the rights of regular employees—veterans and non-veterans alike—the bill provides that no regular employee shall be reduced to a substitute status by reason of its enactment.

The seniority provisions of the bill apply only to the postal service. The pay increment provisions apply to groups of Federal employees who are covered by laws which provide for salary ranges administered under periodic-increase programs. These groups include clerks, carriers, and other groups in the postal service, immigration inspectors, customs clerks, employees subject to the Classification Act of 1923, as amended, police-

men and firemen in the municipal government of the District of Columbia, White House police, and United States Park Police.

(Mr. McCORMACK asked and was given permission to extend his remarks at this point in the RECORD.)

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That (a) any person—
(1) whose name appeared on any list of eligibles either (A) at any time between May 1, 1940, and March 16, 1942, with respect to a position the rate of compensation of which is determined by the Classification Act of 1923, as amended, an act entitled "An Act to adjust the compensation of certain employees in the Customs Service," approved May 29, 1928, as amended, or the second paragraph of section 24 of the Immigration Act of 1917, as amended, or (B) at any time between May 1, 1940, and October 23, 1943, with respect to a position in the field service of the Post Office Department, or (C) at any time between May 1, 1940, and the effective date of this act, with respect to positions of officers and members of the Metropolitan Police or of the Fire Department of the District of Columbia, and officers and members of the United States Park Police and the White House Police; and

(2) who, pursuant to Executive Order No. 9538, dated April 13, 1945, or regulations of the Civil Service Commission covering similar situations in which an eligible lost opportunity for probational appointment because of military service during World War II, was certified for probational appointment to such position, and, subsequently, was given such appointment—
shall, for the purpose of (A) determining his rate of compensation and (B) his seniority rights in the postal field service, be held to have been appointed to such position as of the earliest date on which an eligible standing lower on the same list of eligibles received a probational appointment therefrom: *Provided, however,* That no regular employee in the postal field service shall be reduced to substitute status by reason of the enactment of this act.

(b) No person shall be entitled to the benefits of this section who has reenlisted after June 1, 1945, in the Regular Military Establishment or after February 1, 1945, in the Regular Naval Establishment.

SEC. 2. No person shall, by reason of the enactment of this act, be entitled to any compensation for any period prior to the effective date of this act.

SEC. 3. This act shall take effect on the first day of the calendar month following the calendar month in which it is enacted.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INCLUDING HEADS OF EXECUTIVE DEPARTMENTS UNDER CIVIL SERVICE RETIREMENT ACT

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5831) to include the heads of executive departments and independent agencies within the purview of the Civil Service Retirement Act of May 29, 1930.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. REES of Kansas. Mr. Speaker, reserving the right to object, will the

gentleman from West Virginia explain the provisions of this bill?

Mr. RANDOLPH. I will extend my remarks upon the explanation of this measure. This bill comes to the floor of the House with the unanimous support of the Committee on the Civil Service. It includes certain heads of the executive departments and independent agencies within the Civil Service Retirement Act not now included.

During the consideration by Congress of the amendment to the civil-service retirement system, which became the act of January 24, 1942, the Commission, upon request of the Civil Service Committee, submitted a report in which it recommended approval of the bill. When the bill was approved it contained provisions extending retirement coverage to heads of departments, independent establishments, and agencies (including corporations) in the executive branch of the Federal Government. The act of March 7, 1942, withdrew this particular coverage.

There are at present about 2,000,000 positions in the executive branch of the Federal Government covered by the civil-service retirement system. There are approximately 90 positions in the executive service excluded by the language in the retirement law which H. R. 5831 proposes to eliminate. However, some of the persons holding these positions are now under the retirement system because they were promoted to their present positions, without break in service, from positions which are under the retirement system.

This is remedial legislation.

[Mr. REES of Kansas addressed the House. His remarks will appear hereafter in the Appendix.]

Mr. SMITH of Ohio. Mr. Speaker, reserving the right to object, will the gentleman give us an example of who would be blanketed in under this provision?

Mr. RANDOLPH. I believe the largest number that the committee found who were not included were 16 within The Tax Court of the United States, which individuals are not protected by either the judiciary or civil-service retirement system. It seems they should not be discriminated against.

There are 11 members of the Interstate Commerce Commission who are at present excluded, 7 in the Communications Commission, 6 in the Tariff Commission. In other agencies there are 4 with 5 members each, 4 with 3 members each, and about 17 with 1 in each. The number will not exceed 90 in all.

As a result of the language in the present law, there are many men in all agencies who have retirement rights who were appointed in the same way, who are doing the same sort of work and carrying the same responsibilities as those who are denied any sort of old-age security.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 3 (a) of the Civil Service Retirement Act of May 29,

1930, as amended, is amended by striking out the words "and heads of executive departments."

SEC. 2. This act shall be effective, with respect to any head of a department, at the beginning of his first pay period commencing in the second month following the month in which this act is enacted. As used in this section the term "department" means any department, independent establishment, or agency (including corporations) in the executive branch of the Government.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING THE CIVIL SERVICE RETIREMENT ACT, MAY 29, 1930, AS AMENDED

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6673) to amend section 6 of the Civil Service Retirement Act of May 29, 1930, as amended.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. REES of Kansas. Mr. Speaker, reserving the right to object, will the gentleman from West Virginia explain this legislation?

Mr. RANDOLPH. Mr. Speaker, this measure was also passed unanimously from the committee, both the majority and minority Members agreeing. The purpose of this bill is to assure equitable treatment to persons entitled to an annuity under the Retirement Act as a result of services rendered and any concurrent benefit under the act of September 7, 1916, entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," on account of the death of any other person.

I might cite, as an example, the case of a widow of a former employee who lost his life in an explosion in the Department of Agriculture powerhouse. On his death she was awarded compensation at the rate of \$35 a month. The widow was appointed to a minor position in the Government service and has been contributing to the retirement fund. She reached the age of 70 years, and she had completed more than 15 years of service, and was then separated. She would be entitled to retirement of \$50 a month on the basis of her own service and contributions made to the fund. However, in order to receive this she must surrender the \$35-a-month compensation that she was receiving on account of the death of her husband.

The committee studied this and felt the inequity should be corrected.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. REES of Kansas. I yield.

Mr. RICH. You are not figuring that this applies to any particular person except this individual case?

Mr. RANDOLPH. There are similar cases, but all in that category.

Mr. RICH. You are not making a precedent and permitting employees to receive more than one pension from the Government?

Mr. RANDOLPH. No. Section 6 of the Civil Service Retirement Act of May

29, 1930, as amended, reads in part as follows:

No person shall be entitled to receive an annuity under the provisions of this act, and compensation under the provisions of the act of September 7, 1916 * * * covering the same period of time; but this provision shall not be so construed as to bar the right of any claimant to the greater benefit conferred by either act to any part of the same period of time.

In construing this section, the Comptroller General in his decision of April 3, 1934 (13 Comp. Gen. 258), held that payment of death compensation to a widow on account of her husband under the terms of the Employees' Compensation Act and disability retirement annuity on her own account under the terms of the Civil Service Retirement Act for the same period of time is prohibited. This decision was confirmed by the Comptroller General in his decision of August 6, 1945, B-51111.

Annuity under the Civil Service Retirement Act and compensation to a relative on account of death of an employee are predicated on separate and distinct services.

Basically, the purpose of the Employees' Compensation Act is to provide compensation for injuries incurred in the course of employment. In case of death of the employee, compensation is payable to the widow by reason of the loss of services of the husband. Annuities under the Civil Service Retirement Act are based upon the individual's own service and contributions.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia [Mr. RANDOLPH]?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the fourth paragraph of section 6 of the Civil Service Retirement Act of May 29, 1930, as amended, be, and it is hereby, amended as follows:

"No person shall be entitled to receive an annuity under the provisions of this act, and compensation for injury or disability to himself under the provisions of the Act of September 7, 1916, entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes', covering the same period of time; but this provision shall not be so construed as to bar the right of any claimant to the greater benefit conferred by either act for any part of the same period of time, nor shall this provision nor any provision in such act of September 7, 1916, be construed so as to deny to any person an annuity accruing to such person under this act on account of service rendered by him, or to deny any concurrent benefit to such person under such act of September 7, 1916, on account of the death of any other person."

This amendment shall become effective as of July 1, 1941.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PAYMENT OF ACCUMULATED AND ACCRUED LEAVE TO FEMALE DIETITIANS AND PHYSICAL-THERAPY AIDES

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1489) to authorize payment for accumulated and ac-

crued annual leave to female dietitians and physical-therapy aides whose civilian appointments were terminated pursuant to section 4 of the act of December 22, 1942 (56 Stat. 1073).

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. REES of Kansas. Mr. Speaker, reserving the right to object, will the gentleman please explain this measure.

Mr. RANDOLPH. This measure was strongly endorsed and urged by the War Department.

The proposed bill would authorize payment for earned annual leave which accrued to female dietitians and physical-therapy aides employed as civilians by the War Department prior to March 31, 1943. Payments would be authorized in the same manner and on the same basis as are authorized by existing law to be made to other employees separated from civilian service under the Federal Government.

The act of December 22, 1942 (56 Stat. 1072), provides that such female dietetic and physical-therapy personnel as the Secretary of War may consider necessary shall be included in the Medical Department of the Army. Employment by the Military Establishment of such personnel was limited by the act to persons appointed under the provisions thereof, and appointments of such personnel under the provisions of any other law were terminated by the act not later than March 31, 1943. Those female dietitians and physical-therapy aides who accepted appointments in the Medical Department were included therein on April 1, 1943, and those of such personnel who did not accept appointments in the Medical Department had their employments terminated on March 31, 1943, in accordance with the act.

The requirements of the Army for the continuous service of female dietitians and physical-therapy aides prevented the granting to them of accrued leave between December 22, 1942, the date of the approval of the act mentioned above, and March 31, 1943, the date on which the act required the termination of their civilian employment. The War Department believes that the personnel concerned were protected with respect to accrued leave by the act of August 1, 1941 (55 Stat. 616), as amended, by the act of April 7, 1942 (56 Stat. 200), which provides that Federal employees who enter on active duty in the armed forces may elect to be paid for accumulated annual leave or to allow such leave to remain to their credit until they return to civilian employment. However, in a decision of March 30, 1943 (B-33305), the Comptroller General of the United States held that there was no authority of law for retaining the personnel concerned on the War Department rolls after March 31, 1943, for the purpose of compensating them for annual leave since the positions were terminated on that date by the terms of the act of December 22, 1942. The Comptroller General's decision has resulted in a denial of accrued leave or payment for accrued leave to those female dietitians and physical-therapy aides who did not accept appointments

Geek
P. 50

H. R. 5831

IN THE SENATE OF THE UNITED STATES

JULY 5, 1946

Read twice and referred to the Committee on Civil Service

AN ACT

To include the heads of executive departments and independent agencies within the purview of the Civil Service Retirement Act of May 29, 1930.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 3 (a) of the Civil Service Retirement Act of
4 May 29, 1930, as amended, is amended by striking out the
5 words "and heads of executive departments".

6 SEC. 2. This Act shall be effective, with respect to any
7 head of a department, at the beginning of his first pay period
8 commencing in the second month following the month in
9 which this Act is enacted. As used in this section the term
10 "department" means any department, independent establish-
11 ment, or agency (including corporations) in the executive
12 branch of the Government.

Passed the House of Representatives July 3, 1946.

Attest:

SOUTH TRIMBLE,

Clerk.

AN ACT

To include the heads of executive departments and independent agencies within the purview of the Civil Service Retirement Act of May 29, 1930.

JULY 5, 1946

Read twice and referred to the Committee on
Civil Service

DIGEST OF
CONGRESSIONAL PROCEEDINGS
OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
Legislative Reports and Service Section
(For Department staff only)

Issued July 11, 1946
For actions of July 10, 1946
79th-2nd, No. 134

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HIGHLIGHTS: Senate debated price-control bill; agreed to Eastland amendment to prohibit cottonseed and soybean ceilings, agreed to Wherry amendment to prohibit milk ceilings, and rejected Reed amendment to prohibit grain ceilings. Senate committee reported various personnel bills relating to retirement, educational leave, appointment of veterans, and efficiency ratings. House Rules Committee cleared bill to authorize 3 additional Assistant Secretaries of Commerce. Rep. Johnson (Okla.) criticized USDA's requirement of sale of $\frac{1}{2}$ of all wheat delivered to elevators to the Government.

SENATE

1. PRICE CONTROL. Continued debate on H. J. Res. 371, to continue and amend the Price Control and Stabilization Acts (pp. 8661-83, 8691-711). Agreed, 42-34, to the revised Eastland amendment to prohibit price ceilings on cottonseed or soybeans or their products (pp. 8664-6). Agreed, 51-27, to the Wherry amendment prohibiting ceilings on milk or its food or feed products (pp. 8666-82). Rejected, 32-40, the Reed amendment to prohibit ceilings on most grains and their products (pp. 8682-3, 8691-705).
2. PERSONNEL. The Civil Service Committee reported the following bills (p. 8657):
 - S. 1835, to provide for uniform administration of efficiency ratings; with amendment (S. Rept. 1677).
 - S. 2183, to authorize department heads to grant educational leave with pay to scientific, technical, and professional employees, not to exceed 18 months in any 10-year period; with amendments (S. Rept. 1676).
 - S. 2366, to provide for immediate retirement of employees separated through no fault of their own after 25 years of service if they are at least 55; with amendment (S. Rept. 1678).
 - H. R. 5831, to include department heads under the Civil Service Retirement Act; without amendment (S. Rept. 1679).
 - H. R. 6673, to amend the Civil Service Retirement Act to permit an employee to draw both a retirement annuity and compensation under the Employees' Compensation Act for a family member killed in Government service; without amendment (S. Rept. 1680).
 - H. R. 6903, to provide benefits for certain employees who are veterans of World War II and lost opportunity for probational appointment because of their service in the armed forces; without amendment (S. Rept. 1681).

3. PERSONNEL; ECONOMY. Chairman Byrd of the Joint Committee on Reduction of Non-essential Federal Expenditures inserted and discussed the Committee's monthly personnel report (pp. 8658-9).
4. TREASURY-POST OFFICE APPROPRIATION BILL. Agreed to a further conference report on this bill, H. R. 5452, and conferees were appointed for still a further conference (pp. 8683-91).
5. FARM CREDIT. Sen. Capper inserted an American Veterans' Committee letter favoring the Senate version of H. R. 5991, the Cooley bill (pp. 8656-7).
6. WATER COMPACT. The Irrigation and Reclamation Committee reported without amendment H. R. 4701, to authorize Utah, Idaho, and Wyoming to enter into a compact for division of Bear River waters (S. Rept. 1697)(p. 8657).
7. RECLAMATION. Received from the President a \$1,086,000 supplemental appropriation estimate for the Bureau of Reclamation (S. Doc. 237)(p. 8656). To Appropriations Committee. (p. 8656.)
The Irrigation and Reclamation Committee reported with amendment S. 2372, to authorize construction of the Lewiston Orchards project, Idaho (S. Rept. 1675)(p. 8657).
8. RIVERS AND HARBORS. Agreed to the conference report on H. R. 6407, authorizing construction, repair, and preservation of certain public works on rivers and harbors (p. 8663). This bill will now be sent to the President.
9. WILDLIFE CONSERVATION. The Agriculture and Forestry Committee reported with amendment H. R. 6097, to make various amendments to the Pittman-Robertson Wildlife Conservation Act, including a provision for consultation with the Fish and Wildlife Service when a Federal agency is to impound or otherwise control waters (S. Rept. 1698)(p. 8657).
10. FEDERAL-AID INVESTIGATION. S. Res. 300 (see Digest 132). The committee report includes financial data on Extension, ARA, FS, SCS, and school-lunch programs; indicates that the Education and Labor Committee, which would make the investigation, will "consult with" the Agriculture and Forestry Committee, but says the committee would not investigate programs under the jurisdiction of other committees; and includes a series of questions which the committee intends to ask regarding "regional development" and "sound fiscal policy."

Excerpts from the report:

"The present situation on Federal grants to State and local governments is extremely chaotic...one Federal-aid program has been piled on top of another--without sufficient effort to appraise the general effect...or to achieve coordination among the innumerable Federal-aid programs...In some cases the purpose of Federal aid has been to help finance a higher level of essential public works or public services...But it is often charged that the effect has been merely to substitute Federal funds for local funds, with no increase whatsoever in the level of public works or services. In other cases the purpose has been to assist States who are most in need of financial aid. But the effect, it has been said, has been to provide the most money for those States who are least in need. In most cases, it has been the purpose of the Federal Government to provide Federal aid on a basis that will keep administrative red tape at a minimum. But the net effect of our present Federal-aid program, which has simply 'grown like Topsy,' is a wild morass of red tape and administrative confusion...The committee believes that the study and investigation of this prob-

smaller than family-size farms which, together with their disability pensions, will provide sufficient income to support the disabled veterans' family. The Senate version provides for such highly desirable loans to disabled veterans.

5. The House bill does not make adequate provisions for variable payments. The Senate version leaves the original provisions of the Bankhead-Jones Farm Tenant Act in operation. Variable payments provide the veteran-farmer with insurance against losing his farm because of factors beyond his control, such as crop failures due to drought or insects.

6. We would like to state our opposition to the provisions of the House version which prohibit further rehabilitation loans above \$5,000, prohibit the extension of such loans beyond 5 years from the date of the original loans, and prohibit the making of further loans to a borrower who has been indebted to the lending agency for 5 consecutive years. A veteran-farmer may be making progress but may not have completely repaid his rehabilitation loans at the end of 5 years. Additional funds may well enable him to complete his rehabilitation and to repay all outstanding rehabilitation loans, but lack of such funds may prevent him from repaying the balance of the rehabilitation loans, force him to quit farming, and consequently force a foreclosure.

We deeply appreciate your sincere efforts in this field, and trust that in drafting the final bill you will take into serious consideration the ideas expressed above.

Very truly yours,

CHAT PATERSON,
National Legislative Representative,
American Veterans' Committee
(AVC).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCARRAN:

From the Committee on the Judiciary:

S. 2326. A bill to incorporate the Amvets, American Veterans of World War II; without amendment (Rept. No. 1674).

From the Committee on Irrigation and Reclamation:

S. 2372. A bill to authorize the Secretary of the Interior to construct the Lewiston Orchards project, Idaho, in accordance with the Federal reclamation laws; with an amendment (Rept. No. 1675).

By Mr. THOMAS of Oklahoma, from the Committee on Agriculture and Forestry:

H. R. 6097. A bill to amend the act of March 10, 1934, entitled "An act to promote the conservation of wildlife, fish, and game, and for other purposes"; with an amendment (Rept. No. 1698).

By Mr. DOWNEY, from the Committee on Civil Service:

S. 1835. A bill to provide for the uniform administration of efficiency ratings; with an amendment (Rept. No. 1677);

S. 2183. A bill to authorize the heads of executive departments and independent establishments of the United States Government to grant scientific, technical, and professional employees short leaves of absence for advanced research and study; with amendments (Rept. No. 1676);

S. 2366. A bill to amend the Civil Service Retirement Act of May 29, 1930, as amended, so as to provide annuities for employees with 25 years of service, who are involuntarily separated from the service between July 1, 1945, and June 30, 1947; with an amendment (Rept. No. 1678);

H. R. 5831. A bill to include the heads of executive departments and independent agencies within the purview of the Civil Service Retirement Act of May 29, 1930; without amendment (Rept. No. 1679);

H. R. 6673. A bill to amend section 6 of the Civil Service Retirement Act of May 29, 1930, as amended; without amendment (Rept. No. 1680); and

H. R. 6903. A bill to provide benefits for certain employees of the United States who are veterans of World War II and lost opportunity for probational civil-service appointments by reason of their service in the armed forces of the United States; without amendment (Rept. No. 1681).

By Mr. JOHNSTON of South Carolina, from the Committee on Claims:

H. R. 3145. A bill for the relief of A. C. McMeans; without amendment (Rept. No. 1682);

H. R. 3158. A bill for the relief of Leonard J. Fox and Milford G. Fox, a partnership, doing business as Fox Co.; without amendment (Rept. No. 1683);

H. R. 5025. A bill for the relief of Mrs. Opal Riley and Robert R. Riley; with amendments (Rept. No. 1685); and

H. R. 5722. A bill for the relief of Charles L. Cannon; without amendment (Rept. No. 1684).

By Mr. O'DANIEL, from the Committee on Claims:

H. R. 4492. A bill for the relief of Charles Marvin Smith; without amendment (Rept. No. 1686).

By Mr. HUFFMAN, from the Committee on Claims:

H. R. 2319. A bill for the relief of J. B. Shropshire; without amendment (Rept. No. 1687).

By Mr. EASTLAND, from the Committee on Claims:

S. 1277. A bill for the relief of William S. Brown; with amendments (Rept. No. 1688); and

H. R. 1345. A bill for the relief of David M. Matteson; without amendment (Rept. No. 1689).

By Mr. McMAHON, from the Committee on Claims:

H. R. 4616. A bill for the relief of the Maryland Sanitary Manufacturing Corp. of Baltimore, Md.; with an amendment (Rept. No. 1690); and

H. R. 4660. A bill for the relief of Mrs. Georgia Lanser and Ensign Joseph Lanser; without amendment (Rept. No. 1691).

By Mr. WILSON, from the Committee on Claims:

S. 1731. A bill for the relief of Lester A. Dessez; without amendment (Rept. No. 1692);

H. R. 1957. A bill for the relief of the Ohio Valley General Hospital, Wheeling Clinic, Rosetta Snyder, Virginia Barron, Dr. Paul H. Cope, and Dr. J. E. Ricketts; without amendment (Rept. No. 1693);

H. R. 3043. A bill for the relief of Wilma E. Baker; with an amendment (Rept. No. 1696);

H. R. 3857. A bill for the relief of Warren H. Thompson and Madeline Parent; without amendment (Rept. No. 1694); and

H. R. 6213. A bill for the relief of Brevet First Lt. Margaret Utinsky; without amendment (Rept. No. 1695).

By Mr. O'MAHONEY, from the Committee on Irrigation and Reclamation:

H. R. 4701. A bill granting the consent of Congress to the States of Utah, Idaho, and Wyoming to negotiate and enter into a compact for the division of the waters of the Bear River and its tributaries; without amendment (Rept. No. 1697).

MAY B. MURPHY

Mr. LUCAS. Mr. President, from the Committee To Audit and Control the Contingent Expenses of the Senate, I ask

unanimous consent to report favorably without amendment Senate Resolution 299, submitted by the Senator from New York [Mr. WAGNER] on July 3, and I request its immediate consideration.

There being no objection, the resolution was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to May B. Murphy, widow of George W. Murphy, late an employee of the Senate, a sum equal to 6 months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

REPORTS ON DISPOSITION OF EXECUTIVE PAPERS

Mr. BARKLEY, from the Joint Select Committee on the Disposition of Executive Papers, to which were referred for examination and recommendation two lists of records transmitted to the Senate by the Archivist of the United States that appeared to have no permanent value or historical interest, submitted reports thereon pursuant to law.

PERSONS EMPLOYED BY COMMITTEES WHO ARE NOT FULL-TIME SENATE OR COMMITTEE EMPLOYEES

The PRESIDENT pro tempore laid before the Senate a report for the months of April, May, and June 1946, from the chairman of a certain committee, in response to Senate Resolution 319 (78th Cong.) relative to persons employed by committees who are not full-time employees of the Senate or any committee thereof, which was ordered to lie on the table and to be printed in the RECORD, as follows:

UNITED STATES SENATE,
COMMITTEE ON EDUCATION AND LABOR,
SUBCOMMITTEE ON HEALTH AND EDUCATION,
July 9, 1946.

Mr. LESLIE L. BIFFLE,
Secretary of the Senate,
United States Capitol,
Washington, D. C.

DEAR MR. BIFFLE: I transmit herewith the list of employees of the Subcommittee on Health and Education who are not full-time employees of the Senate. The Subcommittee on Health and Education is reimbursing the Federal Public Housing Authority for the months of April, May, and June for the service of these employees.

Always sincerely,

CLAUDE PEPPER,
Chairman.

SUBCOMMITTEE ON HEALTH AND EDUCATION
JULY 9, 1946.

To the Senate:

The above-mentioned committee hereby submits the following report showing the names of persons employed by the committee who are not full-time employees of the Senate or of the committee for the months of April, May, June 1946, in compliance with the terms of Senate Resolution 319, agreed to August 23, 1944:

Name of individual	Address	Name and address of department or organization by whom paid	Annual rate of compensation
Bragman, Charles.....	Arlington Village Apartments, Arlington, Va.	Federal Public Housing Authority, 1201 Connecticut Ave. NW.	\$6,440
Raschella, Dolores.....	3028 Wisconsin Ave. NW., Washington, D. C.	do.....	12,320

¹ Ramspeck, effective June 2, 1946.

CLAUDE PEPPER, Chairman.

REPORT OF JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES — CIVILIAN EMPLOYMENT OF EXECUTIVE BRANCH

Mr. BYRD. Mr. President, according to monthly personnel reports submitted to the Joint Committee on Reduction of Nonessential Federal Expenditures, there was a total of Federal employment amounting to 2,848,527 for the month of May. This total shows a decrease of 25,444 when compared to the April total of 2,873,971. However, if War and Navy Departments are excluded from the total and a comparison made there is an increase of 24,813. Thus for every one separated from those two Departments there is almost an equal number appointed in other departments.

Less than half of this increase—11,688—was in Veterans' Administration. Most of the remainder was made up of increases in Agriculture of 4,641, Interior 1,601, Post Office 2,581, OPA 1,070, and War Assets Administration 2,036.

There was a decrease in industrial—skilled, semiskilled, and unskilled—employment of 21,245. This is the difference between the April total of 1,090,229 and May total of 1,068,984. The decrease is composed of 8,111 in War Department, 11,552 in Navy, and 1,582, in all other departments.

Employment outside the continental United States based on the latest available figures for War and Navy Departments and current figures for other departments increased 8,564. The Navy Department increased 11,321 and all other departments except War increased 1,363, or a total of 12,684. This was offset, however, by a decrease in War Department of 4,120, making the net increase 8,564.

I ask unanimous consent to submit a report and request that it be printed in the RECORD.

There being no objection, the report was received and ordered to be printed in the RECORD, as follows:

FEDERAL PERSONNEL IN THE EXECUTIVE BRANCH, MAY 1946, AND A COMPARISON WITH APRIL 1946

(All figures compiled from reports signed by the heads of Federal establishments or their authorized representatives)

According to monthly personnel reports submitted to the Joint Committee on Reduction of Nonessential Federal Expenditures, Federal personnel within the continental United States during May decreased 34,008 from a total of 2,397,743 in April 1946 to 2,363,735 in May. Excluding the War and Navy Departments, personnel increased 23,450 from the April total of 1,208,330 to the May total of 1,231,780. The War Department inside the United States decreased 31,947 from the April figure of 715,971 to the May figure of 684,024. The Navy Department within the United States decreased 25,511 from the April figure of 473,442 to the May figure of 447,931. (See table I).

Outside the continental United States Federal personnel increased 8,564 from the April total of 476,228 to the May total of 484,792. Exclusive of the War and Navy Departments, there was an increase of 1,363 from the April total of 53,649 to the May total of 55,012. The Navy Department showed an increase of 11,321 making the total increases 12,684. This figure was offset by a decrease of 4,120 in the War Department making a net increase of 8,564. (See table II.)

The consolidated table presenting data with respect to personnel inside and outside continental United States shows a total decrease of 25,444 from the April total of 2,873,971 to the May total of 2,848,527. Excluding the War and Navy Departments, there was an increase of 24,813 employees in the executive branch of the Federal Government from the April figure of 1,261,979 to the May figure of 1,286,792. (See table III.)

Industrial employment during the month of May decreased 21,245 from the April total of 1,090,229 to the May total of 1,068,984. The War Department decreased 4,465 employees outside continental United States and decreased 3,646 inside the United States in the industrial group making a total reduction of 8,111. The Navy Department showed a decrease of 11,552 industrial employees. The term "industrial employees" as used by the committee refers to unskilled, semiskilled, skilled, and supervisory employees paid by the Federal Government who are working on construction projects such as airfields and roads, and in munition plants, shipyards, and arsenals. It does not include regular maintenance and custodial employees. (See table IV.)

TABLE I.—Federal personnel inside continental United States employed by executive agencies during May 1946, and comparison with April

Department or agency	1946		Increase (+) or decrease (—)
	April	May	
Executive Office of the President; Bureau of the Budget	779	773	—6
Executive departments (except War and Navy Departments):			
Agriculture Department	86,295	90,864	+4,569
Commerce Department	33,512	33,542	+30
Interior Department	43,702	44,883	+1,181
Justice Department	24,530	23,974	—556
Labor Department	34,916	35,244	+328
Post Office Department	480,803	483,407	+2,604
State Department	8,268	8,264	—4
Treasury Department	108,642	107,856	—786
Emergency war agencies:			
Committee on Fair Employment Practices	26	10	—26
Office of Alien Property Custodian	661	684	+23
Office of Defense Transportation	120	99	—21
Office of Inter-American Affairs	381	344	—37
Office of Price Administration	32,844	33,910	+1,066
Office of Scientific Research and Development	715	639	—76
Office of War Mobilization and Reconstruction	192	183	—9
Petroleum Administration for War	54	20	—34
Selective Service System	14,890	14,506	—384
War Shipping Administration	3,243	3,181	—62
Postwar agencies:			
Civilian Production Administration	2,844	3,322	+478
National Wage Stabilization Board	944	961	+17
Office of Economic Stabilization	32	40	+8
War Assets Administration	30,391	32,410	+2,019
Independent agencies:			
American Battle Monuments Commission	2	2	—
American Commission, Protection of Monuments in Europe	6	6	—
Civil Aeronautics Board	402	399	—3
Civil Service Commission	4,321	4,229	—92
Employees' Compensation Commission	521	517	—4

TABLE I.—Federal personnel inside continental United States employed by executive agencies during May 1946, and comparison with April—Continued

Department or agency	1946		Increase (+) or decrease (—)
	April	May	
Independent agencies—Con.			
Export-Import Bank of Washington	96	100	+4
Federal Communications Commission	1,290	1,288	—2
Federal Deposit Insurance Corporation	1,198	1,170	—28
Federal Power Commission	727	739	+12
Federal Security Agency	31,338	31,280	—58
Federal Trade Commission	504	501	—3
Federal Works Agency	22,042	22,501	+459
General Accounting Office	14,377	14,244	—133
Government Printing Office	7,301	7,259	—42
Interstate Commerce Commission	2,217	2,214	—3
Maritime Commission	9,527	9,896	+369
National Advisory Committee for Aeronautics	5,467	5,640	+173
National Archives	359	390	+31
National Capital Housing Authority	274	268	—6
National Capital Park and Planning Commission	15	15	—
National Gallery of Art	288	299	+11
National Housing Agency	15,461	16,323	+862
National Labor Relations Board	973	1,001	+28
National Mediation Board	100	104	+4
Panama Canal	280	290	+10
Railroad Retirement Board	1,931	1,969	+38
Reconstruction Finance Corporation	11,632	11,678	+46
Securities and Exchange Commission	1,196	1,186	—10
Smithsonian Institution	427	426	—1
Tariff Commission	245	247	+2
Tax Court of the United States	120	121	+1
Tennessee Valley Authority	11,052	11,087	+35
Veterans' Administration	153,857	165,335	+11,478
Total, excluding War and Navy Departments	1,208,330	1,231,780	+23,450
Net increase, excluding War and Navy Departments			+23,450
Navy Department	473,442	447,931	—25,511
War Department	715,971	684,024	—31,947
Total, including War and Navy Departments	2,397,743	2,363,735	—34,008
Net decrease, including War and Navy Departments			—34,008

TABLE II.—Federal personnel outside continental United States employed by executive agencies during May 1946, and comparison with April

Department or agency	1946		Increase (+) or decrease (—)
	April	May	
Executive departments (except War and Navy Departments):			
Agriculture Department	1,337	1,409	+72
Commerce Department	2,243	2,318	+75
Interior Department	4,320	4,740	+420
Justice Department	312	314	+2
Labor Department	156	145	—11
Post Office Department	1,443	1,420	—23
State Department	11,345	11,938	+593
Treasury Department	661	699	+38

¹ All employees were furloughed at the end of the last pay period for the month of April because of lack of funds.

² Included in the Interior Department report.

INCLUSION OF HEADS OF EXECUTIVE DEPARTMENTS AND INDEPENDENT AGENCIES WITHIN THE PURVIEW OF THE CIVIL SERVICE RETIREMENT ACT OF MAY 29, 1930

JULY 10 (legislative day, JULY 5), 1946.—Ordered to be printed

Mr. DOWNEY, from the Committee on Civil Service, submitted the following

REPORT

[To accompany H. R. 5831]

The Committee on Civil Service, to whom was referred the bill (H. R. 5831) to include the heads of executive departments and independent agencies within the purview of the Civil Service Retirement Act of May 29, 1930, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The purpose of this bill is, as its title indicates, to bring the heads of executive departments and independent establishments within the purview of the Civil Service Retirement Act.

At the present time there are approximately 90 positions in the executive branch of the Government which are excluded from coverage under the language of the Retirement Act which this bill proposes to eliminate. However, some of the persons holding these positions are now under the retirement system because they were promoted to their present positions, without break in service, from positions which are under the retirement system.

The Civil Service Commission has estimated that if this bill is enacted, there will be added to the Government's cost a deficiency liability of approximately \$279,000, and an annual cost of about \$22,000.

Calendar No. 1714

79TH CONGRESS
2D SESSION

H. R. 5831

[Report No. 1679]

IN THE SENATE OF THE UNITED STATES

JULY 5, 1946

Read twice and referred to the Committee on Civil Service

JULY 10 (legislative day, JULY 5), 1946

Reported by Mr. DOWNEX, without amendment

AN ACT

To include the heads of executive departments and independent agencies within the purview of the Civil Service Retirement Act of May 29, 1930.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 3 (a) of the Civil Service Retirement Act of
4 May 29, 1930, as amended, is amended by striking out the
5 words "and heads of executive departments".

6 SEC. 2. This Act shall be effective, with respect to any
7 head of a department, at the beginning of his first pay period
8 commencing in the second month following the month in
9 which this Act is enacted. As used in this section the term
10 "department" means any department, independent establish-

1 ment, or agency (including corporations) in the executive
 2 branch of the Government.

Passed the House of Representatives July 3, 1946.

Attest:

SOUTH TRIMBLE,

Clerk.

Calendar No. 1714

79TH CONGRESS
 2^D SESSION

H. R. 5831

[Report No. 1679]

AN ACT

To include the heads of executive departments and independent agencies within the purview of the Civil Service Retirement Act of May 29, 1930.

JULY 5, 1946

Read twice and referred to the Committee on
 Civil Service

JULY 10 (legislative day, JULY 5), 1946

Reported without amendment



provide for civil service ratings for employees of public or private organizations which become a part of the Federal Government (p. 9307).

Passed without amendment H.R. 4651, to amend the Civil Service Retirement Act so as to provide annuities for a recovered disability annuitant who through no fault of his own fails to obtain reemployment (p. 9307). This bill will now be sent to the President.

Passed with amendment H.R. 4718, to provide optional retirement for Government officers and employees with 25 years of service, who are involuntarily separated from the service Between July 1, 1945, and June 30, 1947 (p. 9327-8). Sens. Downey, George, Byrd, Langer, and Hart were appointed conferees (p. 9328).

Passed without amendment H.R. 5831, to include the heads of executive departments and agencies within the purview of the Civil Service Retirement Act (p. 9329). This bill will now be sent to the President.

Passed without amendment H.R. 6673, to amend the Civil Service Retirement Act so as to prohibit a Federal employee from receiving, simultaneously, an annuity under the Act and compensation for injury or disability under the Employees Compensation Act (p. 9329). This bill will now be sent to the President.

Passed without amendment H.R. 6903, to provide an adjustment for the within-grade promotions for veterans, on probationary appointments prior to entry into the service, in cases where, because of military service, they were unable to accept appointment when their names were first reached on the register (p. 9329). This bill will now be sent to the President.

Passed as reported H.R. 6532, to permit department and agency heads to designate disbursing officers to make payments of claims directly to Government employees and former employees for the difference between amounts for overtime, leave, and holiday compensation computed at night rates pursuant to Comptroller General decisions (p. 9320). This bill applies only to those employees in the several trades and occupations whose compensation is fixed by wage boards or other wage-fixing authorities and who received a differential for work performed at night.

Passed with amendment H.R. 5590, to provide for the uniform administration of efficiency ratings (pp. 9326-7).

Set aside, on request of Sen. Ball, Minn., the passage of S. 2183, to authorize heads of executive departments and agencies to grant scientific, technical, and professional employees leaves of absence for advanced research and study (pp. 9328-9).

Passed as reported S. 1561, to make effective as of Jan. 1, 1942, the 100% earning provisions of the act which entitles employees of contractors with the U.S. outside the U.S. to compensation for injury, death, or detention (pp. 9308-9).

Passed over on objection of Sen. Ball, Minn., H.R. 4051, to grant to enlisted personnel of the armed forces certain benefits in lieu of accumulated leave (pp. 9332-3).

Began debate on S. J. Res. 61, to amend the constitution so as to provide for equal rights for women (pp. 9345-6, 9349-55).

Discussed and

19. ASSISTANT SECRETARIES OF AGRICULTURE. /passed over on objection of Sen. Wherry, Nebr., S. 1923, to provide for two additional Assistant Secretaries of Agriculture (p. 9317).

20. PRICE CONTROL. Sen. Wherry, Nebr., discussed conditions in the livestock markets since the removal of price controls, claiming that receipts are greater than for the comparable period last year, and that prices, considering the removal of subsidies are not unreasonable; reported conditions in the butter market; discussed prices on finished goods in Washington to show that increases have not been unreasonable; and inserted an American Meat Institute report, "An Examination of the Government Food Subsidy Program," prepared by the U.S.

Chamber of Commerce Agriculture Department, and other statements on food and clothing prices since the removal of price control (pp. 9355-66).

21. WOOL. Sen. Morse, Oreg., urged passage of S. 2033, to provide for price support, standards work, and research on wool (p. 9366).
22. NOMINATIONS. Confirmed the nominations of James R. Isleib to be Land Bank Commissioner (FCA) and R.M. Littlejohn to be War Assets Administrator (his nomination was reported earlier by the Military Affairs Committee) (pp. 9369-70).
23. WOOL MARKETING. S. 2033, as reported by the Agricultural and Forestry Committee (see Digest 193) eliminates the provision for support payments as one means of price support and the permanent indefinite appropriation of receipts from practical-forms fees.

HOUSE

25. THIRD DEFICIENCY APPROPRIATION BILL. Received the conference report on this bill, H.R. 6885 (pp. 9375-7). The conference report provides \$10,000 for salaries and expenses, BDI; \$141,000 for inspection and quarantine, BAI (includes Senate amendment providing \$85,000 for Swan Island quarantine station which is reported in technical disagreement, but it will be moved that the House recede and concur); and the conferees proposed an amendment to the language (inserted by the Senate) authorizing CCC to purchase surplus potatoes, which will read as follows: "Notwithstanding any other provision of law, the Commodity Credit Corporation is authorized to purchase surplus potatoes (including sweet potatoes) produced during the year 1946 and to process and sell such potatoes to any foreign country, and, upon requisition, to the Army and to the United Nations Relief and Rehabilitation Administration for the relief of hungry people."
26. SOCIAL SECURITY. The Rules Committee reported a resolution for the consideration of H.R. 7037, to amend the Social Security Act (pp. 9377, 9412).
27. RESEARCH; ATOMIC ENERGY. Began debate on S. 1717, the atomic-energy bill (p. 9377-403).
28. SURPLUS PROPERTY. The Expenditures in the Executive Departments Committee reported with amendments S. 1636, to amend the Surplus Property Act to designate the State Department as the disposal agency for surplus property outside the continental U.S. (H.Rept. 2546) (p. 9412).
29. PRICE CONTROL. Rep. Smith, Ohio, was appointed a conferee on the price-control extension measure in place of Rep. Crawford, Mich. (p. 9372).
30. PUBLIC DEBT. Rep. Rich, Pa., called for reduction in the national debt (pp. 9372-3).
31. GRAIN SHORTAGE. Received a Syracuse, N.Y., citizens' petition protesting against the recent USDA order reducing the amount of grain to be allocated to the brewing industry (p. 9413).

BILLS INTRODUCED

32. PUBLIC LANDS; VETERANS. S. 2449, by Sen. Mitchell, Wash., to extend to veterans of World War II preference with respect to the sale of lands disposed of under the Columbia Basin Project Act. To Public Lands and Surveys Committee. (p. 9298.)

Sec. 4. No employee shall be granted leave of absence exceeding 18 calendar months during any 10-year period of Government service. Any employee, while absent on leave granted pursuant to this act, shall be subject to the rules and regulations applicable to other employees of his agency insofar as receipt of salary or compensation from other sources than the Government of the United States is concerned.

Sec. 5. It shall be the duty of the Civil Service Commission to issue appropriate rules and regulations, subject to the approval of the President, to carry into full effect the provisions, intent, and purpose of the act, and to report to the President for appropriate action any failure upon the part of an agency to conform with such rules and regulations.

Sec. 6. As used in this act, the term "State" includes the District of Columbia.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the heads of executive departments and independent establishments of the United States Government to grant employees leaves of absence for research and study."

Mr. DOWNEY. Mr. President, the Senator from Minnesota indicated he wanted an explanation of this bill.

Mr. BALL. Yes.

Mr. DOWNEY. This is a bill in which the Senator from Maryland [Mr. TYDINGS], who is not present, was very much interested. It gives heads of governmental agencies the right to grant their employees what might be termed sabbatical leaves of absence to enable them to engage in research or study in educational institutions.

If an employee of the Government is granted such a leave he must sign a written agreement to stay with the Government for at least 2 years where the period of his leave of absence is 6 months or less, and for at least 4 years where the period of his leave of absence exceeds 6 months. No employee could be granted leave under the bill in excess of 18 months in any 10-year period of service.

I might say to my colleagues that there are literally thousands of technicians in the Government, and it has been found that many of them can gain added skill and information by attending a particular technical school for a few months, more or less, and they come back to the Government better experts than they were.

I invite the attention of the distinguished Senator from Connecticut, who attended the committee hearings on the bill, and who, by virtue of his technical experience, can speak with authority.

Mr. BALL. As I understand, this gives leave up to 1 year with pay?

Mr. DOWNEY. An employee could be given up to 18 months' leave with pay during a 10-year period of employment.

Mr. BALL. I object to the bill.

Mr. WHERRY. Mr. President, the Senator from Minnesota objected to the consideration of the bill at this time, and asked that it go over.

The PRESIDING OFFICER. Does the Senator refer to Order No. 1713, Senate bill 2183?

Mr. BALL. Yes. Order No. 1712, Senate bill 2366, went over temporarily.

The PRESIDING OFFICER. As the Chair recalls, Senate bill 2183 was considered, an amendment was adopted without objection, and the bill, without objection, was passed.

Mr. DOWNEY. Mr. President, of course I consent that that action be set aside.

The PRESIDING OFFICER. Is there objection to the request of the Senator from California that the proceedings involving Calendar No. 1713, Senate bill 2183, be set aside, and that the bill be passed over? The Chair hears none, and it is so ordered.

INCLUSION OF HEADS OF DEPARTMENTS UNDER CIVIL SERVICE RETIREMENT ACT

The Senate proceeded to consider the bill (H. R. 5831) to include the heads of executive departments and independent agencies within the purview of the Civil Service Retirement Act of May 29, 1930.

Mr. DOWNEY. Mr. President, at the present time about the only Federal employees who are denied the benefits of the civil service retirement system are approximately 100 persons who are heads of departments and agencies. This bill merely extends to them the same rights other Federal employees have with respect to retirement benefits.

The Civil Service Commission has estimated that if the bill is enacted there will be added to the Government's cost a deficiency liability of approximately \$279,000, and an annual cost thereafter of about \$22,000.

The members of the committee all took the position that it would be equitable and fair to allow the heads of agencies to have the same retirement benefits other Federal employees have.

Mr. WHERRY. I have no objection.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

ANNUITIES AND DISABILITY BENEFITS

The Senate proceeded to consider the bill (H. R. 6673) to amend section 6 of the Civil Service Retirement Act of May 29, 1930, as amended.

Mr. WHERRY. Mr. President, I should like to have an explanation of the proposed legislation from the distinguished Senator from California.

Mr. DOWNEY. Mr. President, the purpose of the bill is to permit the payment of annuities to persons entitled thereto under the Civil Service Retirement Act, concurrently with death benefits payable under the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes."

The easiest way to understand the purpose of the bill is to use as an example one of the cases which has actually arisen. The case involves a widow who is receiving benefits under the United States Employees Compensation Act because of the death of her husband as a

result of injuries sustained in Government service. She also had been a Federal employee, and but for the provisions of the Retirement Act which would be amended by this bill, would be entitled to benefits under that act, based upon her own service. There probably would not be more than a handful of employees who would ever take advantage of the provision.

Mr. WHERRY. I have no objection.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

CIVIL-SERVICE BENEFITS TO WORLD WAR II VETERANS

The Senate proceeded to consider the bill (H. R. 6903) to provide benefits for certain employees of the United States who are veterans of World War II.

Mr. WHERRY. I should like to have the distinguished Senator from California give an explanation of the bill.

Mr. DOWNEY. Mr. President, stated very briefly, the bill is to protect the rights of persons whose names were reached on civil-service registers while in the military service, and who, at the expiration of such service, were given probational appointments, by providing that they shall be entitled to an adjustment for the within-grade promotions they would have received had they been in a position to accept appointment when their names were first reached on the register.

Mr. WHERRY. By that does the Senator mean that those who went into the military service would have the time they were in that service included in computing their time in the civil service had they remained in that service?

Mr. DOWNEY. Yes.

Mr. BALL. What is the attitude of the Civil Service Commission toward the bill?

Mr. DOWNEY. The Civil Service Commission recommends the passage of the bill.

Mr. BALL. Does it contain the provision which extended the same in-grade promotion to individuals who were not in the civil service, but had been certified for appointment prior to induction into the armed forces, giving them the same in-grade promotions they would have had had they gone into the service on the next appointment after they were certified?

Mr. DOWNEY. Yes; those individuals who were on the Federal register entitled to appointment are given the same rights as those who were actually in the Federal service.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

LEONARD J. FOX AND MILFORD G. FOX

The bill (H. R. 3158) for the relief of Leonard J. Fox and Milford G. Fox was considered, ordered to a third reading, read the third time, and passed.

CHARLES L. CANNON

The bill (H. R. 5722) for the relief of Charles L. Cannon was considered, ordered to a third reading, read the third time, and passed.

MRS. OPAL RILEY AND ROBERT R. RILEY

The Senate proceeded to consider the bill (H. R. 5025) for the relief of Mrs. Opal Riley and Robert R. Riley, which had been reported from the Committee on Claims with amendments, on page 1, line 6, after the words "sum of", to strike out "\$5,578.24" and insert "\$5,813.27"; in line 8, after the words "sum of", to strike out "\$5,578.24" and insert "\$5,813.27"; on line 10 after the word "injuries", to insert a comma and the words "hospital, medical, and other expenses"; and on line 11, after the word "her", to insert, "as the result of an accident."

The amendments were agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

A. C. McMEANS

The bill (H. R. 3145) for the relief of A. C. McMeans, was considered, ordered to a third reading, read the third time, and passed.

CHARLES MARVIN SMITH

The bill (H. R. 4492) for the relief of Charles Marvin Smith, was considered, ordered to a third reading, read the third time, and passed.

J. B. SHROPSHIRE

The bill (H. R. 2319) for the relief of J. B. Shropshire, was considered, ordered to a third reading, read the third time, and passed.

WILLIAM S. BROWN

The Senate proceeded to consider the bill (S. 1277) for the relief of William S. Brown, which had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and to insert the following:

That jurisdiction is hereby conferred upon the Court of Claims of the United States to hear, determine, and render judgment upon the claim or claims of William S. Brown, of Greenville, S. C., for any losses sustained under contracts W-38-040Q (SC IV)-4, W-38-040Q (SC IV)-10, W-38-040Q (SC IV)-14, W-38-040Q (SC IV)-29, W-2416Q (SC IV)-34, W-38-040Q (SC IV)-3, W-38-040Q (SC IV)-9, W-38-040Q (SC IV)-13, and W-38-040Q (SC IV)-30: *Provided*, That such action may be brought in the Court of Claims within 1 year of the date of the approval of this act, with right of appellate review as in other cases.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill conferring jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of William S. Brown."

DAVID M. MATTESON

The bill (H. R. 1345) for the relief of David M. Matteson, was considered, ordered to a third reading, read the third time, and passed.

MARYLAND SANITARY MANUFACTURING CORP. OF BALTIMORE, MD.

The Senate proceeded to consider the bill (H. R. 4616) for the relief of the Maryland Sanitary Manufacturing Corp., of Baltimore, Md., which had been reported from the Committee on Claims, with an amendment, on page 1, line 7, after the words "sum of", to strike out "\$524,755" and insert "\$374,755."

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

MRS. GEORGIA LANSER AND ENSIGN JOSEPH LANSER

The bill (H. R. 4660) for the relief of Mrs. Georgia Lanser and Ensign Joseph Lanser, was considered, ordered to a third reading, read the third time, and passed.

WILMA E. BAKER

The Senate proceeded to consider the bill (H. R. 3043) for the relief of Wilma E. Baker, which had been reported from the Committee on Claims with an amendment, to add at the end of the bill the following proviso: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed the following bills of the Senate, each with amendments, in which it requested the concurrence of the Senate:

S. 141. An act to clarify the law relating to the filling of the first vacancy occurring in the office of district judge for the eastern district of Pennsylvania;

S. 1236. An act to amend the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of oil and gas on the public domain, and for other purposes; and

S. 1516. An act to amend section 12 of the Bonneville Project Act, as amended.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 3533) to authorize revisions in the boundary of the Hopewell Village National Historic Site, Pa., and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6885) making appropriations to supply deficiencies in certain appropriations for

the fiscal year ending June 30, 1946, and for prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1946, to provide appropriations for the fiscal year ending June 30, 1947, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CANNON of Missouri, Mr. O'NEAL, Mr. RABAUT, Mr. NORRELL, Mr. WHITTEN, Mr. TABER, Mr. WIGGLESWORTH, and Mr. DIRKSEN were appointed managers on the part of the House at the conference.

The message notified the Senate that Mr. SMITH of Ohio had been appointed a manager on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 371) extending the effective period of the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, vice Mr. CRAWFORD, excused.

The PRESIDING OFFICER. The clerk will state the next bill on the calendar.

WARREN H. THOMPSON AND MADELINE PARENT

The bill (H. R. 3857) for the relief of Warren H. Thompson and Madeline Parent, was considered, ordered to a third reading, read the third time, and passed.

LESTER A. DESSEZ

The bill (S. 1731) for the relief of Lester A. Dessez was considered, ordered to be engrossed for a third reading, read the third time and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lester A. Dessez, colonel, United States Marine Corps, the sum of \$808.95. Such sum is to be in full settlement of all claims against the United States for emergency travel of dependents (less a payment of \$47.03 already made) to which the said Lester A. Dessez would have been entitled, if he had had the necessary orders, for the period August 1, 1941, to September 15, 1941, for travel of dependents from Tutuila, American Samoa, to Washington, D. C.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

BREVET FIRST LT. MARGARET UTINSKY

The bill (H. R. 6213) for the relief of Brevet First Lt. Margaret Utinsky was considered, ordered to a third reading, read the third time, and passed.

OHIO VALLEY GENERAL HOSPITAL AND OTHERS

The bill (H. R. 1957) for the relief of the Ohio Valley General Hospital, Wheeling Clinic, Rosetta Snyder, Virginia Barron, Dr. Paul H. Cope, and Dr. J. E. Ricketts was considered, ordered to a third reading, read the third time, and passed.

July
24



[PUBLIC LAW 540—79TH CONGRESS]

[CHAPTER 612—2D SESSION]

[H. R. 5831]

AN ACT

To include the heads of executive departments and independent agencies within the purview of the Civil Service Retirement Act of May 29, 1930.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 (a) of the Civil Service Retirement Act of May 29, 1930, as amended, is amended by striking out the words “and heads of executive departments”.

SEC. 2. This Act shall be effective, with respect to any head of a department, at the beginning of his first pay period commencing in the second month following the month in which this Act is enacted. As used in this section the term “department” means any department, independent establishment, or agency (including corporations) in the executive branch of the Government.

Approved July 24, 1946.

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